THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.NO.18867 OF 2007

Dated: 28.9.2007

Between:

Tulasi Prakash … Petitioner

and

1.Assistant Commissioner of Police,
Gajuwaka Police Station,
Visakhapatnam
And two others. …
Respondents

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.NO.18867 OF 2007

O R D E R:

This writ petition has been instituted to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the first respondent in not taking any action pursuant to the petitioner's representation dated 22.8.2007 and the action of the second respondent in interfering with the petitioner's business by name M/s Sneha Shopping & Marketing, New Gajuwaka, Visakhapatnam, as illegal, arbitrary and violative of Article-19(1)(g) & 21 of the Constitution.

On the last occasion I directed the Government Pleader for Home, to obtain instructions from the second respondent as to the allegations levelled by the petitioner. The Assistant Commissioner of Police, South Zone, Gajuwaka, Visakhapatnam has sent detailed instructions to the learned Government Pleader, which have been placed on record of this court, today by the learned Government Pleader. They are treated as forming part of the case record. The Assistant Commissioner of Police specifically observed that on receipt of the complaint of the petitioner he called for the second respondent and inquired from him as to why he is interfering with the business activities of the petitioner.

The Assistant Commissioner of Police in his detailed note has set out as under:

> "I respectfully submit that as of now, the 2nd respondent never called the petitioner or his staff to the police station and asked them to sit in the police station till late house. I also verified the records of the 2nd respondent police station as to whether any complaint is received against the petitioner herein. No complaint whatsoever is received against the petitioner nor a case is registered against the petitioner or his staff. I respectfully submit that after my enquiry with the 2nd respondent, the allegation of the petitioner that he seized the business records and bank pass book is false and hence denied".

The second respondent in turn appears to have informed that no interference is caused in the business of writ petitioner. Further it has been asserted that there is no complaint made by anyone against the petitioner and, therefore, there is no necessity for the local police as of now to summon or interfere in any manner or prevent the petitioner from carrying on his business. In this view of the submissions, the writ petition is disposed of with a direction that the local police, Gajuwaka shall not cause any interference into the business activities of the petitioner until and unless any cognizable offence is committed by him. Even in such circumstances, the petitioner will be proceeded against strictly in accordance with law laid down in that regard.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMAMOHANA RAO,J

28th September, 2007.

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THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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28th September, 2007